

New Claims

In the last response, Applicant inadvertently limited the scope of the claimed invention to that of a Wireless Local Loop implementation. While it is true that the claimed invention is perfectly suited to such a wireless communication system implementation, those skilled in the art will appreciate that the claimed invention is equally well-suited to other wireless communication system implementations (see, e.g., page 1, line 4; page 2, lines 3-8, and line 29 through page 3, line 4; page 5, lines 12-20; and page 6, lines 24-26). Accordingly, Applicant has amended claims 59-65, and has added new claims 79-108, which are not so limited, to adequately claim that to which Applicant is entitled. Support for such claims can be found, for example, in the original specification, claims and/or figures. No new matter has been introduced.

§103 Rejections

With reference to **paragraphs 2 and 3** of the Action, claims 35-37, 40-63, 66-68, 70 and 71 were rejected as being unpatentable over a patent issued to Pentikainen (USP 6,185,412) in view of a patent issued to Bilgic, et al. (USP 5,884,148). Without accepting the characterization of such references rendering obvious the claimed invention, Applicant has amended certain of the claims to further distinguish the claimed invention from that of the cited references.

More particularly, claim 35, for example, has been amended to include the feature of:

enabling receipt of one or more digits of a telephone number from the telephone interface even if no communication channels are available and comparing each of the received digits, as received, against corresponding digits of one or more emergency codes to determine whether a priority channel request is required to facilitate an emergency telephone call, and disabling the receipt of further digits if it is determined that a received digit

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is not associated with an emergency code (emphasis added to denote amendment)

That is, claim 35 is amended to claim the feature wherein, in the absence of available communication channels, analysis of a received telephone number is performed as the telephone number is being entered by the user and, upon detecting a digit entry that does not conform to a corresponding digit in an emergency code, the entry of further digits is disabled and the emergency call handling method is abandoned. In this regard, the claimed invention performs a comparison upon receipt of each digit to determine whether to abandon the emergency call procedure.

It should be apparent that this claim language is similar to the feature once found in claim 36 (now canceled without prejudice). In rejecting claim 36, the Examiner cites col. 3, lines 10-18 of the Pentikainen reference as disclosing or suggesting the claimed feature. The cited passage of Pentikainen reads, in part:

a *string* corresponding to the number to be dialed for an emergency call is stored in the terminal device. This can be done, e.g., by reading the emergency numbers stored in the subscriber identity module (SIM), e.g., SIM card, of the terminal device. On the other hand, if the terminal device is based, e.g., on the GSM system, the *string* 112 is always recognized as an emergency number. After this, the *string dialed into the terminal device* is compared with the strings stored in the terminal device and, *if this comparison indicates that an emergency number is being called, operation is continued using an emergency call function and the emergency call is set-up* (emphasis added)

Those skilled in the art will appreciate that a “string” is defined as a contiguous series of multiple characters, i.e., two or more. Thus, in contradistinction to the claimed invention, Pentikainen discloses a system wherein once the string [i.e., the entire telephone number] is received, a comparison is performed to determine whether the received telephone number (as a whole)

corresponds to an emergency number (see, e.g., col. 3, lines 10-18). Accordingly, in Pentikainen a single comparison is performed on the entire string, to determine if the received number indicates that an emergency number is being called.

Despite the characterization in the Action, the cited passage fails to disclose or suggest analyzing the received telephone number on a character-by-character basis, as it is received, to determine whether the incoming telephone call request corresponds to an emergency code. Indeed, to the extent that the Pentikainen reference explicitly teaches that the comparison is performed based on the entire received string, Applicant respectfully asserts that the Pentikainen reference actually teaches away from performing a character-by-character analysis as the number is received, as particularly claimed in amended claim 35.

In addition to the foregoing patentable distinction, Applicant further asserts that the Pentikainen reference fails to disclose or suggest the feature of “disabling the receipt of further digits if it is determined that a received digit is not associated with an emergency code”. As introduced above, the Pentikainen reference discloses performing a comparison on the entire string, i.e., once the telephone number is received. Once the number is received, even if it is determined that the number does not correspond to an emergency telephone number, there are no further digits to impede. That is, insofar as the Pentikainen reference fails to perform the character-by-character comparison as the digits of the telephone number are received, it cannot disable further receipt of additional digits of a telephone number upon detecting a digit that does not conform to a corresponding digit of an emergency telephone number.

Without the need to further characterize the Bilgic reference, and without adopting the characterization in the Action, Applicant respectfully submits that the Bilgic reference is not cited as disclosing or suggesting and does not, in fact, disclose or suggest at least the foregoing

features of amended claim 35, Applicant respectfully submits that amended claim 35 is patentable over the Pentikainen reference in view of the Bilgic reference.

Thus, insofar as the cited references fail to disclose or suggest at least the claimed features of (1) comparing each of the received digits, as received, against corresponding digits of one or more emergency codes to determine whether a priority channel request is required, or the feature of (2) disabling the receipt of further digits if it is determined that a received digit does not conform to a corresponding digit of one or more emergency codes, Applicant respectfully requests that the rejection of claim 35, as amended, be withdrawn.

Applicant notes that claims 48, 59 and 66, as well as new claim 79 also claim similar features and are, therefore, patentable over the Pentikainen reference in view of the Bilgic reference under arguments analogous to those presented above with respect to claim 35. Accordingly, Applicant respectfully requests that the rejection of such claims be withdrawn.

Applicant further notes that claims 37, 40-47, 49-59, 67, 68, 70, 71 and new claims 72-78 and 80-90 are dependent on patentable base claims 35, 48, 59, 66 or 79 as amended, and are similarly patentable over the Pentikainen and/or Bilgic reference by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the rejection of such claims be withdrawn.

Turning to **paragraph 4**, claims 38, 39, 64, 65, and 69 are rejected as being unpatentable over the Pentikainen and Bilgic references, in further view of a patent issued to Hisamura et al. (USP 5,678,188).

Without the need to further characterize the Hisamura reference, and without adopting the characterization in the Action, Applicant submits that the Hisamura reference is not cited as curing the limitations in the Pentikainen/Bilgic references cited above and does not, in fact, cure

such deficiencies. Thus, Applicant respectfully submits that claims 35, 48, 59 and 66, as amended, are patentable over the Pentikainen reference in view of the Bilgic and Hisamura references. Accordingly, by virtue of at least their dependence on such patentable base claims, Applicant respectfully submits that claims 38, 39, 64, 65 and 69 are likewise patentable over the cited references.

In addition to the foregoing bases of patentability, Applicant respectfully submits that none of the cited references disclose or suggest the use of spatial division multiple access (SDMA) processing to free communication resources to facilitate the emergency telephone call, as claimed in rejected claims 39 and 65, as well as new claims 74, 76, 77, 90, 94, and 99-109. In rejecting such features as obvious, the Action relies on Hisamura (col. 2, lines 15-30). The cited passage states that it is “possible to connect the emergency call... by selecting and restricting talking channel communication in the mobile stations which are involved with nonemergency communications”. Hisamura elaborates on this selection and restriction of a talking channel in col. 5, line 54 through col. 6, line 58, which describes a system wherein nonemergency voice communication on a selected channel is temporarily stopped to provide the channel to the emergency telephone call. In this regard, Hisamura does not teach a system of simultaneously servicing multiple communications over a common voice channel, but rather temporarily “parking” the nonemergency telephone call while the emergency call completely consumes the communication channel.

In contradistinction, those skilled in the art will appreciate that the claimed use of reduced rate communications, or SDMA communications facilitates each of the calls without having to tear-down or “park” a nonemergency call in favor of the emergency call. That is, the use of reduced rate processing, and/or the SDMA processing facilitates the simultaneous

communication of both the nonemergency telephone call and the emergency telephone call. In as much as the Hisamura reference explicitly teaches that to facilitate the emergency call under such conditions, a non-emergency call must be temporarily suspended actually teaches away from that which is claimed in rejected claims 39 and 65, and new claims 73-78, 89, 90, 94 and 99-109. Thus, Applicant respectfully submits that such claims are patentable over the cited combination of references by virtue of at least this patentable distinction, and requests the rejection of claims 39 and 65 be withdrawn.


In addition to the foregoing, Applicant has introduced new claims 91-100 which include a feature wherein upon receiving a priority channel request in the absence of available communication channels, a communication station employs a reserved, reduced rate communication channel to facilitate the emergency telephone call. Applicant respectfully asserts that none of the cited references disclose or suggest the use of a reserved, reduced rate communication channel to facilitate an emergency telephone call in the absence of available communication channels. In this regard, such claims are patentable over the cited references.

Accordingly, Applicant respectfully asserts that claims 35 and 37-71, as amended, and new claims 72-109 are in condition for allowance, and earnestly awaits notice thereof.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

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